

Application No.: 10/762032

Case No.: 59504US002

REMARKS

Claims 1-20 are pending. Claims 1, 11, and 19 are amended. Reconsideration of the application, as amended, is respectfully requested.

102 Rejections

Claims 1-2, 6, and 8 stand rejected under 35 USC § 102(b) as being anticipated by Kulling (US 4,740,390).

Claim 1 has been amended to require that the gap is formed between a major surface of the disc and a flanged portion of the restrictor proximate to the major surface. Support for this change is found in Figures 1 and 2 and their supporting description in the specification. Attention is drawn to Figure 1. The flanged portion 34 of the restrictor 22 is positioned proximate to the disc 12 upper major surface 32 to form a gap 24. This arrangement allows coated particles 26 to be metered through the gap 24.

The '390 reference does not teach or suggest amended claim 1. Referring to Figure 1 of the '390 reference, a restrictor 26 is formed by upper 28 and lower 30 wall sections. The restrictor 26 is located outside the periphery of the disc 22. A gap 58 is formed when the upper 28 and lower 30 wall sections are separated. Because the gap of the '390 reference is closed during operation at least part of the time, col. 1, ln. 51 to col. 2, ln. 38, the wall must be outside the periphery of the disc, otherwise, it would not be able to seal the processing area 38 during this part of the operation. Therefore, one of ordinary skill in the art would find not teaching or suggestion to modify the '390 reference to arrive at the invention of pending claim 1.

Claims 2, 6, and 8 depend from and further limit independent claim 1. For at least the reasons given, these claim are likewise patentable.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims of 1-2, 6, and 8 under 35 USC § 102(b) as being anticipated by Kulling (US 4,740,390).

Claims 1-4, 6, 9-10, and 19 stand rejected under 35 USC § 102(b) as being anticipated by Hough (US 3,288,052).

Claim 1 has been amended to require that the gap is formed between a major surface of the disc and a flanged portion of the restrictor proximate to the major surface. Support for this

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change is found in Figures 1 and 2 and their supporting description in the specification. Attention is drawn to Figure 1. The flanged portion 34 of the restrictor 22 is position proximate to the disc 12 upper major surface 32 to form a gap 24. This arrangement allows coated particles 26 to be metered through the gap 24.

The '052 reference does not teach or suggest amended claim 1. Referring to Figure 2 of the '052 reference, shown is a disc 46 that rotates to discharge granules. There is no gap that is set to control the egress of granules from the disc 46. Instead, the rate at which granules leave the disc 46 is controlled by the rotational speed of the disc. Col. 3, ln. 5-15. The granules are thrown from the disc into the detention ring 90. There is no teaching or suggestion to use the detention ring 90 and disc 46 of the '052 reference to form a gap to control egress of particles or granules, as is required by claim 1. In the sense there is any gap between the detention ring 90 and the disc 46, it is of too great a distance to have any effect on controlling granule movement or egress, and in any event, it is unnecessary, since the movement is controlled by disc speed (as discussed previously).

Claims 2-4, 6, 9-10 depend from and further limit independent claim 1. For at least the reasons given, these claim are likewise patentable.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims of 1-2, 4, 6, and 9-10 under 35 USC § 102(b) as being anticipated by Hough (US 3,288,052).

Claim 19 requires a gap created between the barrier and the disc surface. Referring to an exemplary embodiment in Figure 1, the gap 24 includes a first inner portion 38 that decreases linearly with the radius of the disc 12 and a second outer portion 34 substantially parallel to the disc 12, the second portion disposed near the perimeter of the disc.

The '052 reference does no disclose a gap having the elements of claim 19. There is no teaching or suggestion to modify the '052 reference to have a gap that includes a portion substantially parallel to the disc surface, and in any event, such a modification would render the device of the unsuitable for its intended use, since it is required that the granules thrown from the disc impact the detention plate. Including a gap, such as is required by claim 19, would mean that a certain percentage of the granules would miss the detention plate completely.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 19 under 35 USC § 102(b) as being anticipated by Hough (US 3,288,052).

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103 Rejections

Claims 3-5 stand rejected under 35 USC § 103(a) as being unpatentable over Kulling (US 4,740,390) as applied to claim 1 and further in view of Hough (US 3,288,052).

Claims 3-5 depend from and further limit independent claim 1. The '052 reference does not remedy the defects in the '390 reference with respect to claim 1, and therefore even in combination with the '390 reference, claims 3-5 are not taught or suggested. Thus, claims 3-5 are likewise patentable.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-5 as being unpatentable over Kulling (US 4,740,390) as applied to claim 1 and further in view of Hough (US 3,288,052).

Claims 11-12 and 14-17 stand rejected under 35 USC § 103(a) as being unpatentable over Kulling (US 4,740,390) in view of Hough (US 3,288,052).

Claim 11 has been amended to require a restrictor including a flange portion extending from a frustro-conical shape, with the flange portion being substantially parallel to the major surface of the disc. As discussed previously, both the '390 and '052 references do not teach or suggest this feature, and even in combination, they likewise fail to teach or suggest the same.

Claims 12 and 14-17 depend from and further limit independent claim 11. For at least the same reasons, claims 12 and 14-17 are likewise patentable. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 12 and 14-17 as being unpatentable over Kulling (US 4,740,390) as in view of Hough (US 3,288,052).

Claim 18 stands rejected under 35 USC § 103(a) as being unpatentable over Kulling (US 4,740,390) in view of Hough (US 3,288,052) as applied to claim 11 above and further in view of Inoue et al. (US 4,834,545).

As discussed above, claim 11 is patentable over the '390 and '052 references, either singly or in combination. Claim 18 depends from and further limits independent claim 11. The '545 reference does not remedy the defects in the '390 and '052 references with respect to claim 11, and therefore even in combination with the '545 reference, claim 18 is not taught or suggested. Thus, claim 18 is likewise patentable. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 18 as being unpatentable over Kulling

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(US 4,740,390) in view of Hough (US 3,288,052) as applied to claim 11 above and further in view of Inoue et al. (US 4,834,545).

Claim 20 stands rejected under 35 USC § 103(a) as being unpatentable over Hough (US 3,288,052) as applied to claim 19 above and further in view of Kulling (US 4,740,390).

Claim 20 depends from and further limits independent claim 19. As discussed above, claim 19 is patentable over the '052 reference. The '390 reference does not remedy the defects in the '052 reference with respect to claim 19, and therefore even in combination with the '390 reference, claim 20 is not taught or suggested. Thus, claim 20 is likewise patentable.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 20 as being unpatentable over Hough (US 3,288,052) as applied to claim 19 above and further in view of Kulling (US 4,740,390).

Application No.: 10/762032Case No.: 59504US002**Objections**

Claims 7 and 13 are objected to as being dependent upon a rejected base claim. In light of the amendments to the pending claims, Applicant submits this objection is moot. Reconsideration and withdrawal is respectfully requested.

Application No.: 10/762032Case No.: 59504US002**Conclusion**

In view of the above, it is submitted that the application is in condition for allowance.
Reconsideration of the application, as amended, is respectfully requested.

Respectfully submitted,

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Date

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